

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

GARY L. BAILEY

PETITIONER

VERSUS

CIVIL ACTION NO. 4:09cv7-TSL-LRA

TODD KEMP

RESPONDENT

FINAL JUDGMENT

This cause is before the court, sua sponte, for consideration of dismissal. Pursuant to the memorandum opinion and order issued this day, it is hereby,

ORDERED AND ADJUDGED that the petitioner's request for habeas relief be denied and dismissed with prejudice without an evidentiary hearing.

IT IS FURTHER ORDERED AND ADJUDGED that petitioner's claims relating to the denial of medical care and other conditions of confinement be dismissed without prejudice so that the petitioner may pursue those claims in a separate civil action filed pursuant to 42 U.S.C. § 1983.

This the 3rd day of February, 2009.

/S/ TOM S. LEE

UNITED STATES DISTRICT JUDGE